

Remarks/Arguments

Claims 6, 8 and 10-15 remain in this application. Claims 1-3, 7, 9, 16-20, 23-26 and 30-32 have been cancelled. Claims 4, 5, 21, 22, 27, 28 and 29 have been withdrawn.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 4, 5, 21, 22, 27, 28 and 29 in a divisional application.

Claim Rejections – 35 USC §112, second paragraph.

Claims 23 and 24 have been rejected under 35 USC §112, second paragraph as allegedly being indefinite.

Claims 23 and 24 have been cancelled and, hence, this technical objection is moot.

Claim Rejections – 35 USC §112, first paragraph.

Claims 1, 2, 6, 8-15, 17 and 32 have been rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement.

Claims 1, 2, 6, 8-15, 17 and 32 have been rejected under 35 USC §112, first paragraph as allegedly failing to comply with the enablement requirement.

Applicants respectfully traverse both of these rejections.

It is urged that the present claims comply with both the written description and enablement requirements of §112.

For polyinosinic acid (poly I), polycytidylic acid (poly C), polyadenylic acid (poly A), polyuridylic acid (poly U), and their analogues according to the present claims, biological activities can be exhibited in a combination of two polynucleotides capable of forming a double strand. The two polynucleotides capable of forming a double strand among poly I, poly C, poly A, poly U, and their analogues are only composed of a combination of poly I or an analogue thereof and poly C or an analogue thereof, or of poly A or an analogue thereof and poly U or an analogue thereof.

As for the biological activities, at least, a combination of poly A and poly U is similar to that of poly I and poly C: i.e., comparable inhibitory effect on cancer cell growth (Fig. 1 in page 4327 of the attached article from Cancer Research).

Furthermore, it is well known that the interferon inducing effect of double-stranded polynucleotides is not restricted to a combination of poly I and poly C. It is not difficult for those skilled in the art to estimate effectiveness of poly A-poly U or its analogues, or the analogues of poly I-poly C from the result obtained with poly I-poly C. Therefore, polynucleotides regarding at least poly I, poly C, poly A, and poly U should be allowed for the present invention.

For the above reasons applicants submit that these §112 rejections should be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.



Attorney Docket No. 44342.014000

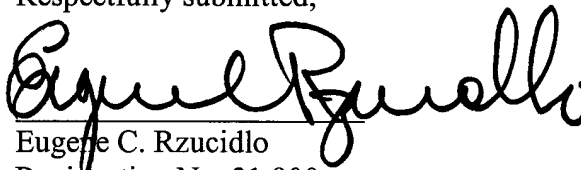
AUTHORIZATION

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at ecr@gtlaw.com.

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: 9/25/03

Respectfully submitted,
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